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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,162	10/26/2005	Dion Kruse	12400-034	6472

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EXAMINER

BROWN, DREW J

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,162

Applicant(s)

KRUSE, DION

Examiner

Drew J. Brown

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/16/05 (preliminary amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/13/05, 3/16/05, & 12/21/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the wording is unclear. In line 3, "of the or each adjacent window" should be changed to --of the adjacent window--. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claims 1, 2, 9, and 15 are objected to because of the following informalities:

In line 3 of claim 1, "comprising," should be changed to --comprising--.

In line 3 of claim 2, "curtain," should be changed to --curtain--.

3 of claim 9, "comprising," should be changed to --comprising--.

In line 4 of claim 9, "defiing a lower edge regaon" should be changed to --defining a lower edge region--.

In line 1 of claim 15, "part" should be changed to --the part--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation defining the "lower edge region" renders the claim indefinite because it is unclear exactly what the lower edge region comprises.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 and 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elqadah et al. (U.S. Pat. No. 6,203,058 B1) in view of Tanase et al. (U.S. Pub. No. 2002/0105174 A1).

Elqadah et al. discloses an inflatable curtain being mounted in position above the window opening and defining a lower edge region and being configured so that, when inflated, at least two-thirds of the lower edge region of the inflatable curtain extends beneath the lower edge of the window opening (Figure 3).

Elqadah et al. discloses the claimed invention as discussed above but does not disclose that the inflatable curtain defines a plurality of inflatable cells. Tanase et al., however, does disclose that the inflatable curtain defines a plurality of inflatable cells (Figure 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Elqadah et al. in view of the teachings of Tanase et al. to have a plurality of inflatable cells in order to further control the deployment characteristics of the curtain airbag.

A forward part of the inflatable curtain is secured to the vehicle at a first anchoring point and a rear part of the inflatable is secured to the vehicle at a second anchoring point (Figure 3), the inflatable cells being configured so that a virtual line of tension is created between the anchoring points when the inflatable curtain is inflated. The inflatable cells are configured so that the longitudinal axis of each cell is substantially perpendicular to the line of tension at least beneath the line of tension (Figure 3), and a tensioning unit (52a, 54a) is provided at one of the anchoring points to apply tension to part of the inflatable curtain. The part of the inflatable curtain is a strap (110, 120) extending from an inflatable region of the inflatable curtain to the tensioning unit (Figure 3).

Elqadah et al. also does not disclose that the degree of overlap of the lower edge region of the inflatable curtain and the window opening lower edge is between 50 and 60 millimetres. However, it would have been an obvious matter of design choice to make the lower edge region extend 50-60 mm below, since such a modification would have involved a mere change in the size of a component and selection of an optimal range. A change in size and selecting an optimal range suitable for a particular application are generally recognized as being within the level of ordinary skill in the art.

7. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elqadah et al. in view of Tanase et al., and further in view of Bailey et al. (U.S. Pat. No. 6,237,941 B1).

The combination of Elqadah et al. and Tanase et al. discloses the claimed invention as discussed above but does not disclose that the inflatable cushion further forms a re-entrant slot in the lower edge thereof, the slot being substantially in alignment with a structural post of the vehicle.

Bailey et al., however, discloses a non-inflatable region (22a) formed in the lower edge thereof, the region being substantially in alignment with a structural post of the vehicle. In column 2, lines 57-60, Bailey et al. discloses that no measurable degree of occupant protection would be provided if the non-inflatable region were inflated. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to remove the non-inflatable region to form a slot, since removal of non-essential elements is obvious to one skilled in the art when the function of the invention remains the same. Also, it would have been obvious to have this re-entrant slot in order to utilize the minimum amount of material possible to provide optimal protection at minimal cost.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas et al. Bayley et al., Gammill, and Weber disclose similar airbags.

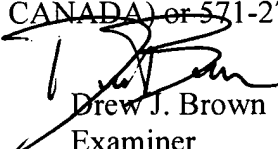
Application/Control Number:
10/528,162
Art Unit: 3616

Page 5

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Drew J. Brown
Examiner
Art Unit 3616

db
12/27/07



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